

Attorney Docket Number: FSP0445
Application Number: 10/706,421

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REMARKS

In an office action mailed on 07/02/2008, Claims 1-4 and 6-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Synnestvedt et al., United States Patent Number 6,598,057 (hereinafter Synnestvedt). Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Synnestvedt. Claims 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Synnestvedt in view of Bahlmann, United States Patent Number 6,393,478 (hereinafter Bahlmann).

The Applicant first wishes to thank the Examiner for examination of the application. The Applicant respectfully discusses the claimed invention, with the aim of clarifying the Examiner's understanding and advancing the prosecution. The claims describe a system and process of setting the operational behavior of a particular device via selection of values representing subsets of configuration parameters. Each value represents a subset of a larger standardized set of configuration parameters. A configuration file on a server is written with the values representing the subsets of configuration parameters. Thus, a configuration file for a specific device is generated (written) with values representing subsets of standardized configuration parameters, not with the parameters themselves.

These values are then applied to a network device to enable or disable subsets of standardized configuration parameters by setting software switches.

Rejection of Claims 1-4 and 6-18 under 35 U.S.C. 102(e) as being anticipated by Synnestvedt et al.

Respectfully, the Synnestvedt patent is for a completely different process than the one claimed in the present application. Synnestvedt teaches generating a configuration file for an EMTA comprising the actual parameters supported by the DOCSIS/PacketCable specifications. The present claims are directed to generating a configuration file comprising parameters that represent subsets of PacketCable functionality in the EMTA itself. The parameters of the configuration file of the present claims may be applied to

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create a customized executable load via firmware "switches" that respond to the parameters to select functional subsets already available in the EMTA. The configuration file of Synnestved is simply a different thing altogether; it is a collection of the actual DOCSIS parameters to apply in the EMTA. No such actual DOCSIS parameters are present in the configuration file of the present claims.

To say it yet another way, Synnestved governs the process for generating the actual parameters (in a config file) that an EMTA needs for normal operation. The present application creates a config file that governs firmware switches executed by the EMTA to switch on and/or off subsets of PacketCable specified functionality.

The independent claims of the present application stand distinct from the teachings of Synnestved for at least the reasons above. None of the other cited references teach or suggest the features of the claims that are lacking from Synnestved. Therefore, all of the present claims are patentable over Synnestved, alone or in combination with the other cited references.

Conclusion

In view of the above amendments and remarks, applicant believes that this application is now in condition for allowance. Applicant respectfully requests that a Notice of Allowability be issued covering the pending claims. If the Examiner believes that a telephone interview would in any way advance prosecution of the present application, please contact the undersigned.

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